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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,550	04/06/2001	Michael W. Halpin	ASMEX.271A	4978

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EXAMINER

ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/828,550	Applicant(s) HALPIN, MICHAEL W.	
	Examiner Rudy Zervigon	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 September 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Rudy Zervigon
Primary Examiner
Art Unit: 1763

Continuation of 10. Other (including any explanation in support of the above items): Item 2: The complete status of all claims is not given. 37CFR41.37 requires that the status of all claims be identified - i.e., for each claim in the case, appellant must state whether it is cancelled, allowed >or confirmed<, rejected, >withdrawn, objected to,< etc. Each claim on appeal must be identified. Applicant has not given such a status in his section III and corresponding status identifiers in the claims appendix. Applicant has not identified the status of the Examiner's objected claims 59, 60, and 62-68 which depend directly or indirectly from cancelled claim 55. In response to this action, Applicant must amend, under MPEP 1206, objected claims 59, 60, and 62-68 to overcome the Examiner's objections, otherwise said claims can properly be rejected under 112, 2nd paragraph. Item 5: Applicant has not given a comprehensive listing of all grounds of rejection to be reviewed on appeal, and those grounds listed contain errors. Claims 1-4, 6-9, 13, 14, 46, 47, 58-65 AND 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsgard et al (USPat. 6,342,691) in view of Shih et al (USPat. 6,120,640) and Atsushi Koike (USPat. 5,065,698). The Examiner HAS NOT cited USPat. "6342891" to Fenster; Aaron et al. in the prosecution history. Applicant did not cite the Examiner's page 5 rejection of Claims 48, 66, and 68 which are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsgard et al (USPat. 6,342,691) and Shih et al (USPat. 6,120,640) in view of Atsushi Koike (USPat. 5,065,698). Applicant did not cite the Examiner's rejection of claims 46 and 48 which are rejected under 35 U.S.C. 103(a) as being obvious over Wengert et al (USPat. 6,325,858) and Shih et al (USPat. 6,120,640) in view of Atsushi Koike (USPat. 5,065,698). Correspondingly, Applicant's Argument section VII is deficient in leaving out arguments for each of the above groups of rejections unidentified in applicant's section VI..